

REMARKS

Claims 18-31 are currently pending in the application. In the present response Claims 18, 24-26 and 31 are amended, and Claims 19-22, 28, and 29 are canceled. Thus, upon entry of the instant response, Claims 18, 23-27, 30, and 31 will be pending.

Figure 1 is amended to properly incorporate the handwritten notations on Figure 1 as filed, as suggested in the Office Action, page 2, paragraph no. 2. The Figure is also amended to correct clerical errors. Specifically, in SEQ ID NO:21, the "1" at position 32 is replaced with a V (Val), a G (Gly) is added at position 61, and a K (Lys) is added at position 62. SEQ ID NO:2 is amended to add K (Lys) at the end. Support for the amino acid amendments is found in the Sequence Listing as filed. No new matter is believed to have been added.

Claim 18 is amended to read "An isolated polynucleotide comprising: (a) a nucleotide sequence encoding a polypeptide having toxin activity, wherein the amino acid sequence of the polypeptide has the amino acid sequence of SEQ ID NO:2".


The polypeptide of the invention is now referred to as a toxin. Support for this amendment to the claims is found throughout the specification as filed. The specification teaches that the polypeptide of SEQ ID NO:2 is capable of reducing activity of larvae. See Specification, pages 31-32 and Figure 3. As stated in the Office Action, page 10, paragraph no. 6, the nucleic acid encoding a polypeptide of SEQ ID NO:2 is free of prior art.

Thus, In view of the amendments and remarks, removal of the 35 U.S.C. § 112 first paragraph rejections of the claims is kindly requested.

In view of the foregoing, early and favorable notification of allowance of claims 18, 23-27, 30 and 31 is earnestly solicited.

A petition for a one (1) month extension of time, up to and including 31 July 2003, accompanies this response along with a replacement sheet for Figure 1 and a sheet with an annotated Figure 1 showing changes made. Please charge any fees or credit any overpayment of fees which are required in connection with the filing of this Response and Petition of Extension of Time to Deposit Account No.: 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,


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